

REMARKS

The application is believed to be in condition for allowance.

There are no formal matters outstanding.

Attached is a verified English-language translation of the Japanese priority Application No. 2002-143771 filed in Japan on May 17, 2002. Filing this translation perfects applicants' claim of priority to the filing date of May 17, 2002.

Claims 1-13 stand rejected as obvious over KING et al. 2003-0039001.

Applicants note that KING was filed on July 31, 2002 and hence is subsequent to applicants' priority date of May 17, 2002.

Applicants further note that KING claims priority to Provisional Application No. 60/310,301 filed August 3, 2001 and to Provisional Application No. 60/315,273, filed on August 27, 2001. Each of these priority documents were filed prior to applicants' priority date of May 17, 2002.

Copies of these two provisional applications are attached to this response.

In view of the filing date of the KING application (July 31, 2002), one must look to the provisional applications to determine what, if anything, is prior art to the present application. In order for KING to be entitled to the date of the provisional applications, the specification of the provisional

applications must contain a written description of the invention and the manner and process of making and using it, in such full, clear, concise, and exact terms to enable an ordinary skilled artisan to practice the invention claimed in the non-provisional application. Thus, applicants have compared the content of the provisional applications of KING with the content of the KING non-provisional application.

In making this analysis, applicants have determined that neither one of the provisional applications has description or suggestion as to the following matters listed in the Official Action:

- a turning mirror 145 disposed in an optical path of the signal light;

- a control electronics 170;

- a shift servo 190; and

- a moving assembly 185 shifting the recording medium with respect to the signal and reference light which achieve shift multiplexing with an additional lens 136 described in paragraph [0056] of KING 2003-0039001.

Further, a light source 110 and a turning mirror 130 disposed in an optical path of the reference light are not disclosed in either of the provisional applications.

As discussed above, the provisional applications of KING disclose only part of the material used in the KING non-provisional application.

When considering either of the KING provisional applications and considering the combination of the KING provisional applications, one sees that KING does not teach or suggest the recited combination of features found in the pending claims. Accordingly, KING does not render obvious the pending claims.

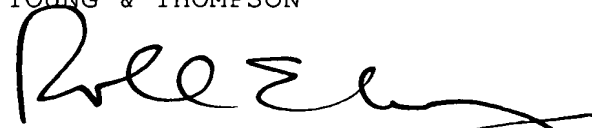
Reconsideration and allowance of all the claims are therefore respectfully requested.

If there is any doubt as to this analysis, it is requested that the undersigned attorney be contacted in order to be forwarded an opportunity to conduct an in-person interview and review the disclosure of the two provisional applications.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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**APPENDIX:**

The Appendix includes the following item:

- a verified English translation of Japanese priority document
- copies of Provisional Application Nos. 60/315,273 and  
60/310,301